

COUNTY OF YORK

MEMORANDUM

DATE: December 5, 2003 (BOS Mtg. 12/16/03)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. ZT-79-03, York County Board of Supervisors – Cluster Development Building Spacing Requirements

This application was tabled at the December 2nd meeting to allow additional time for consideration of the comments received at the public hearing. In summary, the Planning Commission and staff have recommended that the Board amend the cluster development provisions to:

- Establish minimum side yard requirements of 10 feet; and
- Establish minimum rear yard requirements of 20 feet.

It is important to note and emphasize that these proposed amendments would not affect any existing cluster development that has been platted, is in the process of development, or that has received Preliminary Plan approval. The proposed changes will not eliminate the opportunity for developers to use the cluster/open space development technique. Cluster developments will continue to be allowed as a matter-of-right and there will continue to be a great deal of design flexibility available since there are no minimum lot size or minimum lot width requirements. All existing (platted) lots in cluster developments (and those in clusters under development or with Preliminary Plan approval) will be “grandfathered” to the standards in effect when they were platted/approved. Any additions to structures on those already platted or approved lots will continue to be subject to the standards in effect when the lot was platted/approved.

The proposed standards will not affect the development yield for a property. Depending on how a developer arranges lots (all within their discretion since there are no minimum standards), the lots will be able to accommodate houses of various dimensions. If a particular house design/dimension is anticipated, the developer will be able to take that into consideration when setting lot sizes and widths in the initial design process (ensuring there is sufficient width to accommodate the desired house dimensions and the required 10-foot side yards and 20-foot rear yard. As noted in the following table, these yard dimensions would still be less than any of the yard dimensions required for conventional subdivision development in any zoning district:

District	Minimum Lot Size	Minimum Lot Width	Front	Side	Rear
RR	1 acre	150'	50'	20'	50'
R20	20,000 s.f.	100'	40'	15'	30'
R13	13,000 s.f.	90'	30'	12.5'	25'
Cluster – any district	None	None	30'	10'	20'

Based on this information, it is my opinion that the County's cluster development provisions would continue to be responsive to the objectives expressed in the publication (Better Site Design, Chesapeake Bay Local Assistance Board) provided to the Board by one of the speakers at the December 2nd public hearing. Those objectives, as specifically highlighted by the speaker, include:

- *"The key to providing open space in developments are the provisions that allow smaller lots, narrower streets and rights-of-way, smaller cul-de-sacs, and to a lesser extent, smaller setback requirements."* The cluster provisions, as amended, would continue to allow smaller lots (no minimum lot size) and smaller setbacks than required for conventional development.
- *"Some worry that the smaller lots of open space designs are not marketable, or that property values are less for these types of projects. However, the reality is that many independent studies have found that open space designs are highly desirable and have economic advantages that include cost savings and higher market appreciation."* The cluster provisions, as amended, would continue to allow "smaller" lots, since there is no minimum lot size requirement. Cluster developments in York County have proven to be highly marketable and there is nothing in the proposed amendment package, in my opinion, that would prevent this from continuing.
- *"Shorter side yard setbacks allow for narrower lots (assuming that house size remains reasonably constant). Narrower lots translate into shorter street lengths, and again, less overall impervious cover."* The cluster provisions, as amended, would continue to allow narrower lots, and shorter side yards, than required in conventional subdivisions.
- *"Promote open space development that incorporates smaller lot sizes to minimize total impervious area, reduce total construction costs, conserve natural areas, provide community recreational space, and promote watershed protection."* Nothing in the proposed amendments, in my opinion, will prevent these objectives from being met.
- *"Relax side yard setbacks and allow narrower frontages to reduce total road length in the community and overall site imperviousness. Relax front setback requirements to minimize driveway lengths and reduce overall lot imperviousness."* The cluster provisions, as amended, would continue to allow narrower lots, and shorter side yards and front setbacks, than required in conventional subdivisions.

As noted in my previous memorandum, if additional design flexibility is desired for a particular property, the Planned Development provisions of the Zoning Ordinance provide appropriate opportunities. The Planned Development provisions of the Zoning Ordinance establish 20 feet as the starting point for building spacing, but provide the opportunity for the Board to approve something less (or greater) in the course of the

review and approval of the project. The review and approval process involves the submission of conceptual plans and even architectural renderings, so there is ample opportunity for consideration of design and building relationship issues (and any special fire safety issues associated with closer spacing). For those developers interested in design factors other than maximum development yield, the planned development regulations will continue to provide appropriate opportunities and flexibility.

County Administrator Recommendation

I continue to believe that the recommendations of the Department of Fire and Life Safety concerning the benefits of increased building spacing (even the minimal 5 feet recommended here) are worthy of consideration. I also believe that expressing the spacing requirements in the form of "minimum yard dimensions" is the most effective, understandable and equitable system. Finally, I note again that the proposed revisions will apply only to those cluster developments that have not yet received Preliminary Plan approval. Accordingly, I recommend adoption of proposed Ordinance No. 03-43.

Carter/3337:jmc

Attachment: Memorandum dated November 20, 2003